

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2034
6

7 H.P. 1544

House of Representatives, February 2, 1984

8 Reference to the Committee on Education is suggested. Ordered printed
and sent up for concurrence.

9 Submitted by the Department of Educational and Cultural Services
pursuant to Joint Rule 24.

10 EDWIN H. PERT, Clerk

Presented by Representative Locke of Sebec.

11 Cosponsors: Representative Brown of Gorham, Representative Matthews
of Caribou and Representative Randall of East Machias.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Clarify Certain Laws Relating
18 to Education.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 Sec. 1. 5 MRSA §8002, sub-§2, as amended by PL
23 1981, c. 464, §1, is further amended to read:

24 2. Agency. "Agency" means any body of State Gov-
25 ernment authorized by law to adopt rules, to issue
26 licenses or to take final action in adjudicatory pro-
27 ceedings, including, but not limited to, every au-
28 thority, board, bureau, commission, department or of-
29 ficer of the State Government so authorized; but the
30 term shall not include the Legislature, Governor,
31 courts, University of Maine, Maine Maritime Academy,
32 vocational-technical institutes, Governor Baxter
33 School for the Deaf, school administrative units,
34 special purpose districts or municipalities, counties
35 or other political subdivisions of the State. From

1 July 1, 1978 until January 1, 1979, the term "agency"
2 shall not include the Department of Marine Resources.

3 Sec. 2. 20-A MRSA §1309, as enacted by PL 1981,
4 c. 693, §§5 and 8, is amended to read:

5 §1309. Special budget meeting

6 The school board may call a special budget meet-
7 ing when they declare an emergency to exist. The
8 voters of the district may authorize the directors at
9 a special district budget meeting to pledge the cred-
10 it of the district to obtain additional moneys for
11 the operation of schools. The special budget meeting
12 shall be held in accordance with sections 1302 to
13 1307.

14 Sec. 3. 20-A MRSA §2704, first ¶, as enacted by
15 PL 1981, c. 693, §§5 and 8, is amended to read:

16 A joint committee if established pursuant to sec-
17 tion ~~2003~~ 2703:

18 Sec. 4. 20-A MRSA §4602, sub-§4, ¶A, as enacted
19 by PL 1981, c. 693, §§5 and 8, is amended to read:

20 A. "Transitional instruction" means instruction
21 given to a limited English speaking student for
22 the purpose of enabling the student to be in-
23 structed in English within a reasonable length of
24 time. Transitional instruction shall not include
25 bilingual education programs, as defined in (Pub-
26 lic Law 90-247, Title VII, United States Code An-
27 notated, Title 20, Section 880b-1,) the United
28 States Code Annotated, Title 20, Section 3221, et
29 seq., that is, programs which do not include stu-
30 dents of limited English speaking ability.

31 Sec. 5. 20-A MRSA §13004, sub-§2, as enacted by
32 PL 1981, c. 693, §§5 and 8, is amended to read:

33 2. Records confidential. Transcripts, recommen-
34 dations and other documents submitted in support of
35 an application for certification or collected by the
36 department for verification of certification records
37 and maintained in the office of the commissioner
38 shall be confidential. They may only be made availa-
39 ble to the following:

- 1 A. School boards and superintendents;
- 2 B. Authorized personnel of the department in
3 fulfilling assigned duties; and
- 4 C. Individuals and their representatives who re-
5 quest to examine their own records.

6 Sec. 6. P&SL 1953, c. 156, §3, first sentence,
7 as amended by P&SL 1981, c. 87, §1, is further
8 amended to read:

9 To procure funds for school construction projects as
10 defined in the Revised Statutes, Title 20, section
11 2471 or minor capital costs as defined in the Revised
12 Statutes, Title 20, section 4743, subsection 14, for
13 any of the purposes of the district stated in section
14 1 of this Act, but not for any expenses of operation
15 and maintenance, the board of trustees of the dis-
16 trict is authorized, by the vote of not less than a
17 majority of all of the trustees, to borrow money from
18 time to time and to issue bonds in the name and on
19 the full faith and credit of the district; provided
20 that the district shall not incur a total bonded in-
21 debtedness at any one time outstanding in excess of
22 12 1/2% of the last equalized valuation of the par-
23 ticipating towns.

24 STATEMENT OF FACT

25 The sections of this bill make the following
26 clarifications in the laws relating to education.

27 Section 1. This change is necessary to clarify
28 whether the Governor Baxter School for the Deaf is
29 subject to the rule-making process of the Maine Ad-
30 ministrative Procedure Act, Title 5, chapter 375.
31 Since the Legislature has exempted all other
32 state-run educational institutions from the provi-
33 sions, it appears that the Legislature did not intend
34 the educational institutions in the State to be sub-
35 ject to the Maine Administrative Procedure Act, Title
36 5, chapter 375 and that the Governor Baxter School
37 for the Deaf should also be exempt from this cover-
38 age.

1 Section 2. In the Revised Statutes, Title 20,
2 the reference to a special budget meeting was con-
3 tained within the same section as the language autho-
4 rizing the holding of a regular budget meeting. There
5 is no cross reference in the Revised Statutes, Title
6 20-A as to what type of meeting should be held. This
7 change clarifies that the meeting is to be held in
8 accordance with the procedures set forth in the Re-
9 vised Statutes, Title 20-A, sections 1302 to 1307 and
10 not in accordance with the alternative voting proce-
11 dures of the Revised Statutes, Title 20-A, section
12 1305.

13 Section 3. The reference to the Revised Stat-
14 utes, Title 20-A, section 2003 is incorrect, in fact,
15 there is no section 2003, rather the joint committee
16 is referred to in the Revised Statutes, Title 20-A,
17 section 2703, subsection 1, paragraph B.

18 Section 4. The citation in the Revised Statutes,
19 Title 20-A, section 4602, subsection 4, paragraph A
20 to the United States law is incorrect. The correct
21 citation is the United States Code Annotated, Title
22 20, Section 3221, et seq.

23 Section 5. The department collects information,
24 including teachers' social security numbers, tele-
25 phone numbers, home addresses, etc., which is used
26 primarily for verification of whether the individuals
27 hold valid teacher certificates. Since the informa-
28 tion is related to the certification process, it is
29 unclear whether this information should be made
30 available to the general public. The Legislature has
31 limited the information on employee records and
32 school administrative units to those items set forth
33 in the Revised Statutes, Title 20-A, section 6101,
34 subsection 1, to wit: Name, dates of employment, du-
35 ties, colleges attended, major and minor fields of
36 study and degrees received and dates awarded. This
37 bill continues the rights to privacy which the Legis-
38 lature recognized in the Revised Statutes, Title
39 20-A, section 6101 and clarifies whether information
40 collected by the department to verify certification
41 records should be confidential.

42 Section 6. Chapter 156 of the Private and Spe-
43 cial Laws of 1953 created the Charter for the

1 Boothbay-Boothbay Harbor Community School District.
2 Board counsel for the district has recommended this
3 bill in light of the recodification of the education
4 laws.

5

5475121383